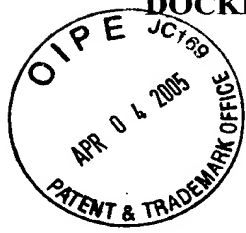


07-05-05

RCE/
1645
THW
B



DOCKET NO.: CHIR-0315

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Covacci, et al.

Confirmation No.: 7773

Application No.: 09/921,157

Group Art Unit: 1645

Filing Date: August 2, 2001

Examiner: S. Devi

For: Helicobacter Pylori Cytotoxin Proteins Useful For Vaccines And Diagnostics

EXPRESS MAIL LABEL NO: EL998522374US

DATE OF DEPOSIT: April 4, 2005

EL998522374US

☒ Mail Stop AF ☐ Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL PURSUANT
TO 37 CFR § 1.114**

(Note - RCE practice is not available to United States applications with a filing date prior to June 8, 1995 or United States National Phase Applications where entry into the national phase is from an International Application filed prior to June 8, 1995. However, if a Continued Prosecution Application was filed after June 8, 1995 in one of the above-identified applications, RCE practice would then be permitted on that application)

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the above-identified application.

1. Submission required under 37 CFR § 1.114

☐ Previously submitted

☐ Consider the amendment(s)/reply under 37 CFR § 1.116 previously filed on . (Any unentered amendment(s) referred to above will be entered).

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on .

☐ Other: .

04/06/2005 WABDELRI 00000014 09921157

01 FC:1801
02 FC:1252

790.00 OP
450.00 OP

- ☒ Enclosed
- ☒ Amendment/Reply under 37 CFR § 1.116
- ☐ Affidavit(s)/Declaration(s)
- ☐ Information Disclosure Statement (IDS)
- ☒ Other: (1) Vinion-Dubiel, A.D. et al. (1999) J. Biol. Chem. 274(53):37736-37742; (2) McClain, M.S. et al. (2003) J. Biol. Chem. 278:12101-12108 (3) Reyra J.-M. et al. (1999) J. Mol. Biol. 290:459-470 (4) Genisset, C. et al. "A Helicobacter pylori Vacuolating Toxin Mutant (VacA Δ49-57) Which Fails to Form Oligomeric Structures Presents a Dominant Negative Phenotype"

2. Miscellaneous

- ☐ Suspension of action on the above-identified application is requested under 37 CFR §1.103(c) for a period of _____ months. (Period of suspension shall not exceed three (3) months; Fee under 37 CFR §1.17(i) required)

FEE CALCULATION:

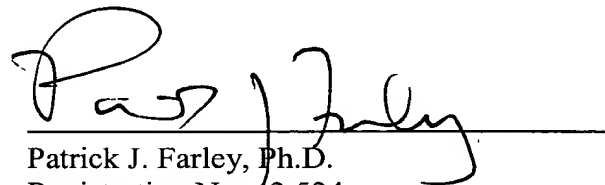
				SMALL ENTITY		NOT SMALL ENTITY	
<input checked="" type="checkbox"/> RCE BASIC FILING FEE				\$395.00	\$	\$790.00	\$790.00
	CLAIMS REMAINING AFTER RCE	HIGHEST NO. PAID FOR	EXTRA				
TOTAL CLAIMS	4	(20 MINIMUM) 20	0	\$25 EACH	\$	\$50 EACH	\$0
INDEP. CLAIMS	4	(3 MINIMUM) 5	0	\$100 EACH	\$	\$200 EACH	\$0
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$180	\$	\$360	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$60	\$	\$120	\$
<input checked="" type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$225	\$	\$450	\$450.00
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$510	\$	\$1020	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$795	\$	\$1590	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME (May only be taken when filing RCE in lieu of Appeal Brief)				\$1080	\$	\$2160	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$)	minus	(\$)
<input type="checkbox"/> TERMINAL DISCLAIMER				\$65	\$	\$130	\$
TOTAL FEE DUE					\$		\$1,240.00

- ☒ A check in the amount of \$1,240.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.

- ☐ Please charge Deposit Account No. 23-3050 in the amount of \$.00. This sheet is attached in duplicate.
- ☒ A response to the Final Office Action dated November 3, 2004 was due on February 3, 2005. Petition is hereby made under 37 CFR § 1.136(a) to extend the time period for response from February 3, 2005 to and through April 4, 2005 comprising an extension of the shortened statutory period of Two (2) month(s).
- ☐ A Notice of Appeal was filed . An Appeal Brief is due on . Applicants are filing this Request for Continued Examination in lieu of this Appeal Brief. Petition is hereby made to extend the time period from to and through comprising a total extension of month(s).
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account No. 23-3050. This sheet is provided in duplicate.
- ☒ The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of the fees associated with this communication to Deposit Account No. 23-3050.

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: April 4, 2005


Patrick J. Farley, Ph.D.
Registration No. 42,524

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439